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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,519	12/08/2003	Tariq A. Hassan	UTL 00421	3026

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EXAMINER	
SAFAIPOUR, BOBBAK	
ART UNIT	**PAPER NUMBER**
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/730,519	HASSAN ET AL.	
	Examiner	Art Unit	
	Bobbak Safaipour	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 11/28/2006

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-11 and 13-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 6-11. 13-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/28/2006 have been fully considered.

Applicant's arguments in response to **claim 1** has been fully considered but they are not persuasive. Applicant essentially argues that **Rosen et al (US Patent Application Publication #2002/017336 A1)** fails to teach or suggest a method for initializing a push-to-talk call over a wireless network and that the floor-control request is a recipient handset as required in amended claim 1.

The Examiner respectfully disagrees. The first limitation of amended claim 1 states "a push-to-talk initialization request from a calling handset, the request identifying a recipient handset." Rosen et al disclose that "the means for requesting the transmission privilege from a CM comprises a push-to-talk key or switch. When a user desires to transmit information to other net members, the user may depress the push-to-talk switch located on his or her communication device (read as initializing request identifying a recipient handset), sending a floor-control request to obtain the transmission privilege from CM...After the requesting user has been granted the transmission privilege, information may then be transmitted from that user to the other net member (read as recipient handset)." (paragraph 32) When a user wants to transmit information to other net members, the user pushes the switch on his/her device, i.e. he/she is initializing a request identifying a recipient handset. From the cited paragraph above, it is clear that the push-to-talk call is not already established. In addition, Rosen et al disclose that the method includes triggering each of the communication devices to re-establish a traffic

channel (abstract, paragraph 12). In other words, the triggering of each communication device is being initialized because currently, the dedicated traffic channel has not been established. The Applicant also argues Rosen et al does not teach that the request identifies a recipient handset. Rosen et al clearly teach that when a first net member wants to transmit information to another net member, the first net member may request the transmission privilege by pushing the PTT key on his/her device. (paragraph 36) The first net member is requesting to send information to a second net member, who is the recipient handset. The broadest reasonable interpretation of claim 1 does teach a method for initializing a push-to-talk call over a wireless network and that the floor -control request is a recipient handset.

Furthermore, Applicant argues that Rosen does teach the limitations of claim 1 wherein it is directed toward the original initialization of a push-to-talk call. Claim 1 requires that the push to talk initialization request identifies a recipient handset and that the recipient handset be located by an announce message that is broadcast from a plurality of base stations to locate the recipient handset. Applicant also argues that Rosen et al fail to teach that a corresponding acknowledgement message before an audio channel is even opened that can carry traffic.

The Examiner respectfully disagrees. Rosen et al teach that when a first net member wants to transmit information to another net member, the first net member may request the transmission privilege by pushing the PTT key on his/her device. This generates (read as creates) a request formatted for transmission. When the CM receives a transmission privilege request, the CM transmits a message to the requesting net member (read as announce message) notifying it that the transmission privilege has been granted

(read as acknowledgment message). (paragraphs 36-37) This transmission privilege allows a single user to transmit information to other net members at a given time. A closer look at Rosen et al, the broadest reasonable interpretation of claim 1 does teach that the push to talk initialization request identifies a recipient handset and that the recipient handset be located by an announce message and a corresponding acknowledgment message.

Applicant's arguments in response to **claim 8** has been fully considered but they are not persuasive. Applicant essentially argues that **Rosen et al (US Patent Application Publication #2002/017336 A1)** fails to teach or suggest many of the same failings of claim 1. Specifically, Applicant argues that fails to teach or suggest that a first base station receives an acknowledgement message from the target handset in response to an acknowledgement message.

The Examiner respectfully disagrees. Each wireless net member establishes a forward and reverse link with at least one base station, wherein a base station may be used to describe a communication channel from a base station or satellite gateway to a device. A dedicated forward channel is established in each communication system for broadcasting information from each net member to the other net members. Each net member may receive communications from other net members over the dedicated channel. As discussed above, when a first net member wishes to transmit information to other members of the net, the first net member may request the transmission privilege by pushing a PTT key on the device, generating a request for transmission. In the case of the communication device, the request may be transmitted over the air to one or more base stations. A message (read as announce message) is then transmitted to the target

handset in order for audio information to be transmitted to other net members. (paragraphs 33-35) A closer look at Rosen et al, the broadest reasonable interpretation of claim 1 does teach that a base station receives an acknowledgement message from the target handset in response to an acknowledgement message.

Claims 1-4, 6-11, and 13-15 are now pending in the present application.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by **Rosen et al (United States Patent Application Publication #2002/0173326 A1)**.

Consider **claim 1,** Rosen et al clearly show and disclose a method for initializing a push-to-talk call over a wireless communication network, comprising:

receiving via a wireless communication network (fig 1, paragraph 24; Group communication system 100, which is known as a push-to-talk system), a push-to-talk initialization request from a calling handset, the request identifying a recipient handset (paragraph 32; Requesting the transmission privilege from a communication manager comprises a push-to-talk key or switch. When a user desires to transmit information to other net members, the user may depress the push-to-talk switch located on his or her

communication device. After the requesting user has been granted the transmission privilege, information may then be transmitted from that user to the other net member);

creating an announce message corresponding to the push-to-talk initialization request; (paragraphs 36-37; When receiving a transmission privilege request, the CM transmits a message to the requesting net member (read as announce message) notifying it that the transmission privilege has been granted);

addressing the announce message to the recipient handset (paragraph 32; After the requesting user has been granted the transmission privilege, information may then be transmitted from that user to the other net member);

broadcasting the announce message over the wireless communication network, wherein the announce message is transmitted over a plurality of base stations (fig. 1; paragraph 33; Each wireless net member establishes a forward link and a reverse link with one or more base stations or a satellite gateway);

receiving via one of the plurality of base stations an acknowledgement message in response to the announce message (paragraphs 33-37; When the communication manager receives a transmission privilege request, the control manager may transmit a message to the requesting net member, notifying it that the transmission privilege has been granted); and

transmitting a connection status message to the calling handset to instruct the calling handset to open an audio channel in response to receiving the acknowledgement message (paragraphs 33-37; When a first net member wishes to transmit information to other members of the net, the first net member may request the transmission privilege by pushing a PTT key on the device, generating a request for transmission. A message is

then transmitted to the target handset in order for audio information to be transmitted to other net members.).

Consider **claim 2**, and **as applied to claim 1 above**, Rosen et al clearly show and disclose the wireless communication network (read as group communication system) (figure 1, paragraph 24) is a code division multiple access network (paragraphs 26, 40, 65, 84, 89, and 101).

Consider **claim 3**, and **as applied to claim 2 above,** Rosen et al clearly show and disclose the broadcasting step further comprises the announce message in a dedicated physical channel (control channel) (paragraph 65).

Consider **claim 4**, and **as applied to claim 3 above**, Rosen et al clearly show and disclose the control channel is a forward dedicated common control channel (F-DCCH) (paragraph 65).

Consider **claim 6**, and **as applied to claim 1 above**, Rosen et al clearly show and disclose the acknowledgement message is received in a dedicated physical channel (control channel) (paragraph 65).

Consider **claim 7**, and **as applied to claim 6 above**, Rosen et al clearly show and disclose the control channel is a reverse enhanced access channel (R-EACH) (paragraph 65).

Consider **claim 8**, Rosen et al clearly show and disclose a system for initializing a push-to-talk call over a wireless communication network, comprising:

a target handset configured for over the air communication in a wireless communication network (fig. 1; paragraph 27; Communication occurs using communications devices 102, 104, 106, and 108. Communications devices may be

wireless communication devices such as satellite telephones equipped with push-to-talk functionality);

a plurality of base stations configured to communicate over the air with the target handset, wherein a push-to-talk announce message is broadcast to the target handset over the plurality of base stations (paragraph 36; When a member wishes to transmit information to other members, the first member may request the transmission privilege by pressing a push-to-talk key on his or her communication device, wherein the request may be transmitted over the air to one or more base stations);

wherein a first base station receives an acknowledgement message from the target handset in response to the announce message (paragraph 37; When the communication manager receives a transmission privilege request, the control manager may transmit a message to the requesting net member, notifying it that the transmission privilege has been granted); and

wherein the first base station is configured to open an audio channel in response to the acknowledgement message (paragraphs 33, 37, and 50; Voice and/or data may be converted into data packets, using a communication device, which are suitable for a particular distributed network through which communications to other users may take place. If the user's packet data call is in the dormant state, the user may be able to receive incoming voice calls).

Consider **claim 9**, and **as applied to claim 8 above**, Rosen et al clearly show and disclose wireless communication network (read as group communication system) (figure 1, paragraph 24) is a code division multiple access network (paragraphs 26, 40, 65, 84, 89, and 101).

Consider **claim 10**, and **as applied to claim 9 above**, Rosen et al clearly show and disclose a plurality of channels in the wireless communication network (paragraph 65; Messages may be sent over both dedicated physical channels, such as the forward fundamental channel (FCH) or forward dedicated common control channel (F-DCCH), or common physical channels, such as the reverse access channel (R-ACH), reverse enhanced access channel (R-EACH), forward common control channel (F-CCCH), or paging channel (PCH)), wherein the push-to-talk announce message is broadcast to the target handset in a forward dedicated common control channel (F-DCCH) (paragraph 65).

Consider **claim 11**, and **as applied to 8 above**, Rosen et al clearly show and disclose a push-to-talk server, wherein the push-to-talk server initiates the push-to-talk announce message (fig. 1; paragraphs 27 and 32; The communication devices have the ability to request transmission privilege from a communication manager. The communication manager is any type of computer type device having at least one processor and memory. When a user desires to transmit information to other members, the may depress the push-to-talk switch located on his or her communication device, sending a request to obtain the transmission privilege from the control manager).

Consider **claim 13**, and **as applied to claim 8 above**, Rosen et al clearly show and disclose the acknowledgement message is received by the first base station in a dedicated physical channel (control channel) (paragraph 65).

Consider **claim 14**, and **as applied to claim 13 above**, Rosen et al clearly show and disclose the control channel is a reverse enhanced access channel (R-EACH) , (paragraph 65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Rosen et al (United States Patent Application Publication #2002/0173326 A1)** in view of **Black (US Patent Application Publication #2004/0057405).**

Consider **claim 15**, Rosen et al disclose a method for initializing a push-to-talk between a calling handset and a recipient handset call over a wireless communication network, comprising: receiving at a base station via a reverse link channel in a wireless communication network, a push-to-talk initialization request from a calling handset, the request identifying a single recipient handset (paragraphs 33-37; A dedicated reverse link is established in each communication system for broadcasting information from each net member to other net members); creating at each of the plurality of base stations a control channel (read as reverse or forward common channel) push-to-talk announce message (read as response to the floor-control request) addressed to the recipient handset (paragraphs 33-37, 63); broadcasting the control channel push-to-talk announce message form the plurality of base stations (paragraphs 33-37, 63-65); receiving from the recipient handset an acknowledgement message corresponding to the push-to-talk announce message at a first base station via a reverse link channel (paragraph 37; When receiving a transmission privilege request, the control manager may transmit a message to the requesting net member, notifying it that the transmission privilege has been granted); and opening an audio channel between the calling handset and the recipient handset in response to the acknowledgement message corresponding to the push-to-talk announce message (paragraphs 33-37; When a first net member wishes to transmit information to other members of the net, the first net member may request the transmission privilege by pushing a PTT key on the device, generating a request for transmission. A message is then transmitted to the target handset in order for audio information to be transmitted to other net members.).

Rosen et al fail to disclose converting the reverse link channel push-to-talk initialization request to an internet protocol push-to-talk initialization request message; sending the internet protocol push-to-talk initialization request message to a push-to-talk server; creating an internet protocol push-to-talk announce message corresponding to the internet protocol push-to-talk initialization request; and sending the internet protocol push-to-talk announce message to a plurality of base stations.

In related art, Black discloses a wireless service for quick one-to-one or one-to-many communication that operates in half-duplex communication using a reverse link. A user presses PTT button on a phone/radio to initiate a group communication. If granted the floor, the user provides media for a short time period. After the user releases the PTT button, other users may request the floor. These services have traditionally been used in applications where one person, a "dispatcher," needs to communicate with a group of people. Similar services have been offered on the Internet and are generally known as "voice chat." (paragraph 4) The system and method for providing group communication services uses a communication device capable of generating data packets suitable for transmission over a data network, such as the Internet. The data packets are transmitted to a data network, and are then provided to a communications manager connected to the data network. The data packets are then processed that it receives from a first device and distributes the data packets to at least one other device. (paragraph 18) Black further teaches that each wireless group member establishes a reverse link with one or base stations. Voice, video, and/or data is converted into data packets using a device, the data packets being suitable for Internet. (figures 2 and 3, paragraphs 33, 40)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the Internet protocol teachings of Black into the teachings of Rosen et al to allow the routing of voice conversations over the Internet through an IP-based network.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's discloser:

Needham et al (US Patent Application Publication #2003/0119539 A1) disclose to address the need for a base site and method for quickly establishing a CDMA dispatch call, providing for signaling mobile stations to inform them of the call and then starting the dispatch call without waiting for the call participants to request their inbound links. The dispatch call is first transmitted by base sites of all the service coverage areas that may have call participants, and then discontinued at those base sites where no inbound link requests are received within a period of time. Thus, the dispatch call is established while "call setup" effectively continues.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents

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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Bobbak Safaipour
B.S./bs

February 20, 2007

MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER